

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nicole Tomazic, Administratrix of the
Estate of Stanley Strnad,

Plaintiff,

v.

Officer Daniel Jopek,

Defendant.

CASE NO. 1: 04 CV 2252

JUDGE DONALD C. NUGENT

JUDGMENT

The above-captioned case came before this Court for a trial by jury. At the conclusion of the trial, the Jury returned unanimous Verdicts for the Defendant and against the Plaintiff on Plaintiff's complaint.

Plaintiff, Nicole Tomazic, brought this action against Defendant Officer Daniel Jopek alleging that Officer Jopek's actions constituted a violation of 42 U.S.C. § 1983 and assault and battery resulting in the wrongful death of her decedent Stanley Strnad.

The trial commenced on September 20, 2006. A Jury of twelve was duly impaneled and sworn, and opening statements of counsel were made. Court was then adjourned until September 21, 2006 at 8:00 a.m.

The trial continued on September 21, 2006. Plaintiff called the following witnesses: (1) Detective Hasan; (2) Patrolman Rudin; (3) Sgt. Francis Friedel; and (4) Patrolman Daniel Jopek; and (5) Patrolman Ron Sebusch. Court was then adjourned until September 22, 2006 at 8:00 a.m.

The trial continued on September 22, 2006. Plaintiff called the following witnesses: (6) Dr. Joseph Felo; (7) Travis Orlando Keys, Jr.; (8) Patrolman Robert Yuhas; (9) Philomena Baer;

(10) John Ivan Strnad; (11) Detective Timothy Brown; (12) Mark Angelotta; and (13) Nicole Christine Tomazic. Court was then adjourned until September 22, 2006 at 8:00 a.m.

The trial continued on September 22, 2006. Plaintiff called the following witness(es): (14) Patrolman John Farnsworth. Plaintiff rested. The defense called the following witness(es): (1) Dr. William Lewinski; (2) Patrolman Daniel Jopek. Defendant rested. Defendant's motion pursuant to Fed. R. Civ. P. 50 is granted as to any claim to punitive damages and the Court reserved ruling on the Section 1983 claim and the assault and battery claim. Closing arguments of counsel were made. Following closing arguments, the Court instructed the Jury on the law pursuant to Rule 51 of the Federal Rules of Civil Procedure, and the Jury thereafter retired to deliberate. Court was adjourned until September 26, 2006 at 8:00 a.m.

The trial continued on September 26, 2006. The Jury, in open court, returned the following unanimous Verdicts in favor of the Defendant and against Plaintiff on her Section 1983 claim and her state law assault and battery claim:

**VERDICT FOR DEFENDANT
AGAINST PLAINTIFF ON
§ 1983 CLAIM**

We the jury, being duly impaneled and sworn, find in this case in favor of the Defendant Officer Daniel Jopek and against Plaintiff Nicole Tomazic on Plaintiff's § 1983 claim.

**VERDICT FOR DEFENDANT
AGAINST PLAINTIFF ON
ASSAULT AND BATTERY CLAIM**


We the jury, being duly impaneled and sworn, having entered a verdict in favor of the Defendant Officer Daniel Jopek and against Plaintiff on Plaintiff's assault and battery claim.

The Court read the Verdicts in open court, and thereafter, the Court polled the Jury. Each Juror affirmatively responded to the correctness of the Verdicts. The Court accepted each

Verdict. The Jury was then discharged.

THEREFORE, the Court enters Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of the Defendant Officer Daniel Jopek and against Plaintiff Nicole Tomazic on Plaintiff's complaint. All costs to be borne by Plaintiff.

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

DATE: September 27, 2006